IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 5905 of 1993

For Approval and Signature:

HON'BLE MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

P N PATEL

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 5905 of 1993

MR YOGESH S LAKHANI for Petitioner No. 1-9

MR VM PANCHOLI A.P.P. for Respondent No. 1

MR PJ MEHTA for Respondent No. 1

RULE SERVED for Respondent No. 2

MR HARIN P RAVAL for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE A.M.KAPADIA

Date of decision: 15/07/2004

ORAL JUDGEMENT

Mr. Lakhani learned advocate appearing for the petitioners upon instruction received from the petitioners seeks leave to withdraw this petition reserving liberty to file fresh petition or to take out appropriate proceedings before the appropriate Court, making similar averments, which have been made in this petition, in case necessity arises.

2. Mr. Pancholi learned A.P.P. has no objection, if leave to withdraw the petition, reserving the liberty as prayed for is granted. Leave as prayed for is granted. The petition stands disposed of as withdrawn. Rule is discharged. Interim relief, if any, stands vacated.

3. It is made clear that this Court has not examined the averments made in this petition on merits. It would be open for the petitioners to file fresh petition or take out appropriate proceedings before the appropriate Court making similar averments which have been raised in this petition in case of necessity. It would also be open for the petitioners to obtain appropriate orders seeking Anticipatory Bail, if they apprehend their arrest in connection with the allegations made in the complaint filed by respondent no. 2 and if such prayer is made, the concerned Court shall decide the plea of Anticipatory bail on its merits.

[A.M. KAPADIA, J.]

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